



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Thursday 3 December 2015

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
21st Meeting 2015, Session 4

CONVENER

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

DEPUTY CONVENER

*Mary Fee (West Scotland) (Lab)

COMMITTEE MEMBERS

*Cameron Buchanan (Lothian) (Con)

*Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)

*Fiona McLeod (Strathkelvin and Bearsden) (SNP)

*Gil Paterson (Clydebank and Milngavie) (SNP)

Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Joe FitzPatrick (Minister for Parliamentary Business)

James Newman (Scottish Government)

CLERK TO THE COMMITTEE

Gillian Baxendine

Alison Walker

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 3 December 2015

[The Convener opened the meeting at 09:00]

Decisions on Taking Business in Private

The Convener (Stewart Stevenson): I welcome members to the 21st meeting in 2015 of the Standards, Procedures and Public Appointments Committee. I remind everyone to switch off mobile phones because they may affect the broadcasting system. We have received apologies from Dave Thompson.

Item 1 is for the committee to agree to take items 4 and 5 in private. Item 4 is consideration of the evidence that is to be heard on the Scottish Elections (Dates) Bill, and item 5 is consideration of a note by the clerk on hybrid bills. Do members agree to take those items in private?

Members indicated agreement.

The Convener: Under agenda item 2, the committee is asked to decide whether to consider in private at future meetings a draft stage 1 report on the Scottish Elections (Dates) Bill and draft reports and standing order rule changes on legislation and hybrid bills. Do members agree to take those items in private at future meetings?

Members indicated agreement.

Scottish Elections (Dates) Bill: Stage 1

09:01

The Convener: Item 3 is evidence on the Scottish Elections (Dates) Bill. Joining us today from the Scottish Government are Joe FitzPatrick, the Minister for Parliamentary Business; Colin Brown, senior principal legal officer in the directorate for legal services; and James Newman, policy adviser in the directorate for strategy and constitution.

Minister—if you wish to make an opening statement, we will be happy to hear it.

The Minister for Parliamentary Business (Joe FitzPatrick): Thank you, convener, for the opportunity to say a few introductory words about the Scottish Elections (Dates) Bill.

As things stand, there will be general elections to both the Scottish and UK Parliaments on 7 May 2020. That clash is undesirable for a number of reasons. Earlier this year, the Presiding Officer wrote to the Secretary of State for Scotland setting out her view, which is supported by all the main party leaders, that it is imperative that an alternative date be set for the Scottish Parliament election.

The Scottish Government believes that it is important that voters know the length of the parliamentary term that they are voting for before they go to the polls in May 2016, and that is why the Deputy First Minister and the Secretary of State for Scotland agreed a section 30 order that transferred to the Scottish Parliament the powers that have enabled us to introduce the bill. Given what the Smith commission said about powers over elections in Scotland, it is absolutely right that it is this Parliament that legislates to change the dates.

I turn to the contents of this short and straightforward bill. It proposes moving the Scottish Parliament election that is scheduled for 7 May 2020 to 6 May 2021. By way of comparison, members will, no doubt, be aware that the general elections to the National Assembly for Wales and the Northern Ireland Assembly have already been moved to May 2021 in order to avoid the 2020 clash.

Moving the Scottish Parliament election to May 2021 will mean that it would clash with the local government elections that are scheduled for the same date. That is also undesirable, so the bill proposes moving the local government elections that are scheduled for 6 May 2021 to 5 May 2022.

I hope that colleagues will agree that the bill presents a straightforward and pragmatic solution to a clash of election dates. I look forward to answering members' questions.

The Convener: Thank you, minister. My first question is perhaps an obvious one. You propose moving the next but one Scottish Parliament election from 2020 to 2021. Why is the alternative to bring it forward to 2019 not the one that we see before us?

Joe FitzPatrick: The proposed five-year term mirrors the length of the current session, which is five years, and the sessions of the Northern Ireland Assembly, the Welsh Assembly and, of course, the UK Parliament. A three-year term would be particularly short in parliamentary terms.

The Convener: I note that you have consulted a number of bodies of one sort or another—the Convention of Scottish Local Authorities being an obvious example. Did any of the organisations that were consulted raise any issues about the proposed change of dates for either of the elections?

Joe FitzPatrick: No. The responses to the consultation were all positive. The proposal is a pragmatic solution to the clash. I do not think that there were any negative comments.

James Newman (Scottish Government): As the minister said, there were no such comments. All the organisations that we consulted recognised that the proposal is a straightforward and pragmatic solution.

The Convener: The policy memorandum mentions the Government undertaking a consultation on a permanent change to a five-year cycle. Perhaps the obvious question is to ask why we are not doing that in the bill at this time.

Joe FitzPatrick: The obvious answer is that we do not have the powers to do so. The section 30 order specifically gives us the power for the Scottish Parliament election. A permanent solution will need to be considered by a future Parliament, and it would be appropriate for it to consider a permanent solution for both the Scottish Parliament elections and the local government elections—if Parliament has the powers to do that, of course. They have not come yet.

The Convener: Is it anticipated that the powers will be provided by a further section 30 order or do you anticipate a change via the Scotland Bill, which is before the Westminster Parliament?

Joe FitzPatrick: As things stand, the Scotland Bill will give the Scottish Parliament those powers. If that bill is passed and enacted, the powers will come to this Parliament. However, it would have been too risky for us to wait until the Scotland Bill is passed. We need to ensure that we have the

changes in place in good time before the elections next year; that was agreed by both the Deputy First Minister and the Secretary of State for Scotland.

The Convener: I am given to understand that royal assent for the Scotland Bill, assuming that it runs to its present timetable, is likely to be given in June, or thereabouts—in other words, after the next session of the Scottish Parliament has commenced. Is that also the Government's understanding?

Joe FitzPatrick: Given the risks around when that bill will be enacted, it would have been difficult for the technical change to have been made after that, which is why the agreement was made to give us the specific powers under the section 30 order. The Parliament unanimously agreed that that is the right way forward.

The Convener: Have you come to a conclusion on when the consultation on permanently changing the date will take place and what the format will be?

Joe FitzPatrick: It will be for the next Parliament to decide how that should happen. The consultation will need to include local government, because it is likely that the next Parliament will want to look at the Scottish Parliament elections and the local government elections in parallel—as we do in the bill—in order to find a permanent solution.

The Convener: Given what has been said, I suspect that we already know the answer to my next question, but I will ask it anyway. Does the Government have a view on what the cycle should be for the two elections in question?

Joe FitzPatrick: There is a strong argument for the cycle being five years, but that will be a matter for the next Government.

The Convener: Right. We have a piece of correspondence from a member of the Scottish Parliament. Dr Richard Simpson makes the interesting—I will use that word—suggestion that we consider having the European, local government and Scottish Parliament elections all on the same day. He suggests that there may be mutual benefit in that. Is that being considered, or will it be considered?

Joe FitzPatrick: I think that that should be resisted at all costs. We have experience of having more than one election on the same day, and I think that Parliament concluded unanimously, in agreement with the Gould report, that that is not desirable because, potentially, one election can always supersede the others.

The Convener: I am not seeking to speak formally on behalf of colleagues, but informal discussions suggest that there might be some

appetite to revisit that decision, which was made after the 2007 elections. I put that on the record for the minister's information, rather than in an attempt to open up a discussion on the subject at this time.

Joe FitzPatrick: Interestingly, a clause in the Scotland Bill would prohibit such clashes.

The Convener: Right. That is interesting.

James Newman: That prohibition was also the recommendation from the Smith commission.

The Convener: That might not prevent people from raising the issue at a future date—perhaps even me. I am not a huge enthusiast for separation of the elections. However, that is for another day.

As members have no further questions, do you wish to make any concluding remarks, minister?

Joe FitzPatrick: The bill is a pragmatic solution and I hope that the committee will support it.

The Convener: Without anticipating the contents of our report, I do not think that we have heard anything today that is alarming the horses. Let me put it that way.

Thank you, minister. We now move into private session.

09:10

Meeting continued in private until 11:23.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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